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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,756	08/26/2003	Scott C. Seely	SEE 2.2	3728

7590 03/18/2005
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EXAMINER

ABDELWAHED, ALI F

ART UNIT PAPER NUMBER

3722

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,756

Applicant(s)

SEELY, SCOTT C.

Examiner

Ali Abdelwahed

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claims 1, 2, 5, and 6 are objected to because of the following informalities:

It is suggested that in:

Claim 1, line 8, delete "material" and insert --panel--.

Claim 2, line 2, before "...open side..." delete "the" and insert --an--.

Claim 5, line 4, before "...hole boring..." delete "the" and insert --a--.

Claim 5, line 4, after "...the drill..." insert --bit--.

Claim 5, line 4, after "... the open..." delete "end" and insert --side--.

Claim 5, line 6, before "...shavings..." delete "cup".

Claim 6, line 3, before "...drill..." delete "the" and insert --a--.

Claim 6, line 4, before "...position..." delete "the" and insert --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,761,717 to Mahlke.

Mahlke discloses a container (12) having a hollow body (see fig. 3), an open end (16), an opposite closed end (see figs.1, 2) and a lid (18) to cover the open end (see figs.1, 3), wherein the open end comprises a magnet (26) around the periphery thereof (see fig. 2). Furthermore, given that the Mahlke reference discloses all of the claimed structural limitations of the above claims, the Mahlke reference therefore is assumed to be capable of performing all of the claimed functions of the above claims.

Claims 1, 2, 4, 5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,269,528 to Leedy.

Leedy discloses a container (5) having a hollow body (see fig. 2), an open end (defined by reference # 6), and an opposite closed end (see fig. 2), wherein the open end comprises a ring magnet (7) around the periphery thereof (see figs.1, 2). Furthermore, given that the Leedy reference discloses all of the claimed structural limitations of the above claims, the Leedy reference therefore is assumed to be capable of performing all of the claimed functions of the above claims.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,731,415 to Shore.

Shore discloses a container (10) having a hollow body (see fig. 2), an open end (defined by reference # 12), and an opposite closed end (defined by reference # 16), wherein the open end comprises a ring magnet (14) around the periphery thereof (see fig. 2) and the closed end comprises a cap (18) that fits snugly onto the opposite closed end (see figs.1, 2). Furthermore, given that the Shore reference discloses all of the

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claimed structural limitations of the above claims, the Shore reference therefore is assumed to be capable of performing all of the claimed functions of the above claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Abdelwahed whose telephone number is (571) 272-4417. The examiner can normally be reached Monday through Friday from 10:00 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner or the examiner's supervisor.

AA
03/11/2005

A handwritten signature in black ink, appearing to read 'D. Banks', with a long horizontal line extending to the right.

DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700